

FOR OFFICE USE ONLY:

Version # _____

APP # 700171

ITEM 1. Proposed Project

The Rubicon Trail, located between Georgetown, California and Homewood (Lake Tahoe) in the California Counties of El Dorado and Placer, is generally accepted to be the first and oldest recreational off-highway (OHV) vehicle trail in the United States. This recreational resource provides The project area within El Dorado County is a designated non-maintained county road that is bordered by both USFS and private property. El Dorado Sheriff's Department works with the USFS enforcing laws in regards to trespass, fire permits, resource damage, etc. EDSO is the primary responsible agency for all code violations occurring on private property. While California Highway Patrol would be the primary agency to enforce vehicle code violations they do not have the resources assigned to the area to make accessibility to the trail available to their officers so EDSO also takes an active role in traffic enforcement.

Deputies assigned to the Rubicon Trail would focus enforcement activities on violations that involve health and safety issues along with violations that impact the surrounding environment.

Deputies have previously assisted County Parks and Recreation with educating the public regarding right of ways, trespass issues, code violations, etc by answering questions near the entrances to the Rubicon Trail and by providing a hand-out created by parks and recreation, along with California State Parks. This hand-out contains a map of the Rubicon Trail along with providing information about the history, regulations, required equipment, gps coordinates, etc. EDSO deputies will continue to inform and educate the public regarding the Rubicon Trail as before.

Due to the remote location and extreme terrain of the Rubicon Trail, response times for a normal patrol deputy could range from 2-8 hours, depending on the location on the trail the emergency is occurring. The proposed project would provide for a regular, scheduled, patrol during the busy summer months. This would put 2 patrol deputies in a specially equipped vehicle allowing for a much quicker response to calls for service.

The issue of Law Enforcement on the Rubicon Trail with the multiple agencies involved was researched with the Draft Rubicon Trail Master Plan with the published conclusion being:

Federal and state law favor co-operative law enforcement relationships over areas like the Rubicon Trail that cross state and federal jurisdictional boundaries. The Forest Service does not appear to have the latitude to delegate authority or contract with county officials for law enforcement in the Eldorado National Forest the way the Secretary of the Interior can for other public lands. However, the Forest Service can empower members of a single Rubicon Trail Officers force to enforce federal law within the forest by employing these officers as members of the Forest Service, El Dorado and Placer County officials can then complete the law enforcement authority of these officers by deputizing these officers as reserve or auxiliary deputies in one county and granting written consent for them to enforce state law in the other county.

An alternative way to accomplish a co-operative law enforcement arrangement for the Rubicon Trail would entail enacting federal legislation to grant the Secretary of Agriculture the same power to contract for co-operative law enforcement for the Trail

that the Secretary of the Interior has for public lands administered by the Bureau of Land Management. This law could be narrowly tailored to the portions of the Rubicon Trail within the Eldorado National Forest, though it probably would not include a

power to delegate law enforcement power to local law enforcement without an express contract defining the delegation of power. Although not strictly necessary, state and county governments could further this arrangement by passing laws and ordinances

authorizing their respective officials to negotiate a mutually acceptable contract with each other and with the Forest Service to establish a single officer force to enforce federal or state law in all areas of the Rubicon Trail.

Currently there are no agreements in place to provide for a single Law Enforcement Entity to patrol the Rubicon Trail leaving us with our current proposal and request for funding.

ITEM 2. Project Coverage

The Rubicon Trail in El Dorado County includes approximately 12 miles on designated non-maintained county roadway. The center of the roadway in some areas has been marked or is clearly delineated by the terrain on either side. It has been determined that in these areas the county roadway extends 50 ft on either side of the centerline. There are several areas where the trail is unmarked and unclear which has caused several "by-pass" areas, thereby encroaching on both USFS and private properties. The proposed project would provide patrol to the marked areas as well as these by-pass areas to insure compliance and enforcement when necessary. The patrol would also assist USFS law enforcement with education and enforcement in the areas adjoining the Rubicon Trail.

ITEM 3. Describe the frequency of the patrols

Patrols by 2 deputies would be conducted during times of high use of the Rubicon Trail, generally on Fridays, Saturdays, and Sundays, between the holidays of Memorial Day and Labor Day. Additional patrols would be scheduled for overnights and when organized, high use, time are scheduled i.e. Jeepers Jamboree.

ITEM 4. Deployment of Personnel

The project is requesting monies to provide for 2 deputies working on overtime for a total of 80 hours per week. The deputies would be assigned as a 2 man patrol unit, using the specially equipped Rubicon Patrol vehicle. The project is also requesting monies to pay part time for a Sheriff's Sergeant for approx. 10 hrs per week to provide for scheduling and maintenance of equipment and files.

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Law Enforcement - Page 1

1. Identify areas with high priority law enforcement needs because of public safety, cultural resources, and sensitive environmental habitats, including wilderness areas and areas of critical environmental concerns:

The Rubicon Trail has several areas of high priority where public safety and sensitive environmental habitats are affected. The Rubicon Trail area is bordered by a designated wilderness area, Desolation Wilderness, and an extensive study has been conducted in regards to environmental concerns. (See Draft Rubicon Trail Master Plan, Alternatives A and B along with the Draft EIR) completed in June 2007, and available on request. Some of the target areas include Spider Lake which was closed due to fecal chloroform levels, the "bowl" and "Little Sluice" where crankcase oil deposits are a high concern

2. Describe how the proposed Project relates to OHV Recreation and will sustain OHV Recreation, motorized off-highway access to non-motorized recreation, or OHV Opportunities associated with the Project Area:

This project will provide law enforcement to this dual use (OHV stickered and registered vehicle) non-maintained county roadway. This roadway is bordered both by federal land and private property and is used exclusively for recreational purposes. The roadway portion provides for non exclusionary recreational use from motorized vehicles(i.e., 4 wheel drive, quads, m/c) to hiking and equestrian use. During the winter the trail is open to motorized use (ie., snowmobiles) to cross country skiers and snowshoes. The adjacent federal property excludes motorized use and private property use is by permission only. This project will assist in maintaining this cooperative use by all parties involved by consistent enforcement of applicable laws.

3. Describe the Applicant's formal or informal cooperation with other law enforcement agencies:

EDSO Rubicon Patrol deputies work in close cooperation with US Forest Service LEO's and other USFS employees assigned to the trail to insure compliance with both State and Federal regulations. EDSO and USFS employees are able to maintain direct contact with each other while working on the trail and communicate possible problem areas to each other while working. While no official MOU is currently in place regarding this area, EDSO and USFS have had MOU's in place for the surrounding Crystal Basin area in years past.

Law Enforcement - Page 2

4. Does the Applicant recover a portion of the law enforcement costs directly associated with privately sponsored OHV events where sponsors have obtained a local permit? ☐ Yes ☒ No
(Please select Yes or No)

Explain

We don't expect to have any privately sponsored events this year that will reimburse the County for law enforcement services.

5. The Applicant agrees to implement a public education program that includes information on safety programs available in the area and how to report OHV violations? ☒ Yes ☐ No
(Please select Yes or No)

6. Describe the Applicant's OHV law enforcement training program including how the training program educates personnel to address OHV safety and natural and cultural resource protection:

EDSO personnel assigned to the Rubicon Patrol have all attended POST and ASI certified training in OHV use. We further conduct yearly in-house training using personnel that are familiar with specifics of the Rubicon Trail, including cultural and environmental areas that are impacted by OHV use.

Law Enforcement - Page 3

7. Is the proposed project in accordance with local or federal plans and the OHMVR Division Strategic Plan? ☒ Yes ☐ No
(Please select Yes or No)
8. LOCAL AGENCIES ONLY - Describe the Applicant's policies and/or agreements regarding enforcement on federal land:

We do not have policies and/or agreements in place. However, we often follow state or local regulations that allow us to take enforcement action.

9. COUNTIES ONLY - Describe how the OHV in-lieu of tax funds are being used and whether the use of these fees complements the Applicant's project:

We intend to use the OHV in-lieu of tax funds as a County 25% match for this grant.

Law Enforcement - Page 4

10. APPLICANTS WHO MANAGE OHV RECREATION FACILITIES – Describe how your organization is meeting its operation and maintenance needs:

N/A

11. The Applicant agrees to enforce the registration of OHVs and the other provision of Division 16.5 commencing with Section 38000 of the vehicle code and to enforce other applicable laws regarding the operation of OHVs? (Please select Yes or No) ☒ Yes ☐ No

Project Cost Estimate for Grants and Cooperative Agreements Program - 2008/2009
 Agency: El Dorado County Sheriff's Department
 Application: Law Enforcement

6/2/2009

FOR OFFICE USE ONLY:		Version # _____	APP # _____
APPLICANT NAME :	El Dorado County Sheriff's Department		
PROJECT TITLE :	Law Enforcement	PROJECT NUMBER (Division use only) :	
PROJECT TYPE :	<input type="checkbox"/> Acquisition <input type="checkbox"/> Development <input type="checkbox"/> Education & Safety <input type="checkbox"/> Ground Operations <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Planning <input type="checkbox"/> Restoration		
PROJECT DESCRIPTION :	<p>The Rubicon Trail, located between Georgetown, California and Homewood (Lake Tahoe) in the California Counties of El Dorado and Placer, is generally accepted to be the first and oldest recreational off-highway (OHV) vehicle trail in the United States. This recreational resource provides The project area within El Dorado County is a designated non-maintained county road that is bordered by both USFS and private property. El Dorado Sheriff's Department works with the USFS enforcing laws in regards to trespass, fire permits, resource damage, etc. EDSO is the primary responsible agency for all code violations occurring on private property. While California Highway Patrol would be the primary agency to enforce vehicle code violations they do not have the resources assigned to the area to make accessibility to the trail available to their officers so EDSO also takes an active role in traffic enforcement.</p> <p>Deputies assigned to the Rubicon Trail would focus enforcement activities on violations that involve health and safety issues along with violations that impact the surrounding environment.</p> <p>Deputies have previously assisted County Parks and Recreation with educating the public regarding right of ways, trespass issues, code violations, etc by answering questions near the entrances to the Rubicon Trail and by providing a hand-out created by parks and recreation, along with California State Parks. This hand-out contains a map of the Rubicon Trail along with providing information about the history, regulations, required equipment, gps coordinates, etc. EDSO deputies will continue to inform and educate the public regarding the Rubicon Trail as before.</p> <p>Due to the remote location and extreme terrain of the Rubicon Trail, response times for a normal patrol deputy could range from 2-8 hours, depending on the location on the trail the emergency is occurring. The proposed project would provide for a regular, scheduled, patrol during the busy summer months. This would put 2 patrol deputies in a specially equipped vehicle allowing for a much quicker response to calls for service.</p> <p>The issue of Law Enforcement on the Rubicon Trail with the multiple agencies involved was researched with the Draft Rubicon Trail Master Plan with the published conclusion being:</p> <p>Federal and state law favor co-operative law enforcement relationships over areas like the Rubicon Trail that cross state and federal jurisdictional boundaries. The Forest Service does not appear to have the latitude to delegate authority or contract with county officials for law enforcement in the Eldorado National Forest the way the Secretary of the Interior can for other public lands. However, the Forest Service can empower members of a single Rubicon Trail Officers force to enforce federal law within the forest by employing these officers as members of the Forest Service, El Dorado and Placer County officials can then complete the law enforcement authority of these officers by deputizing these officers as reserve or auxiliary deputies in one county and granting written consent for them to enforce state law in the other county.</p> <p>An alternative way to accomplish a co-operative law enforcement arrangement for the Rubicon Trail would entail enacting federal legislation to grant the Secretary of Agriculture the same power to contract for co-operative law enforcement for the Trail that the Secretary of the Interior has for public lands administered by the Bureau of Land Management. This law could be narrowly tailored to the portions of the Rubicon Trail within the Eldorado National Forest, though it probably would not include a power to delegate law enforcement power to local law enforcement without an express contract defining the delegation of power. Although not strictly necessary, state and county governments could further this arrangement by passing laws and ordinances authorizing their respective officials to negotiate a mutually acceptable contract with each other and with the Forest Service to establish a single officer</p>		

Project Cost Estimate for Grants and Cooperative Agreements Program - 2008/2009
Agency: El Dorado County Sheriff's Department
Application: Law Enforcement

6/2/2009

	<p>force to enforce federal or state law in all areas of the Rubicon Trail.</p> <p>Currently there are no agreements in place to provide for a single Law Enforcement Entity to patrol the Rubicon Trail leaving us with our current proposal and request for funding.</p>
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	Line Item	Qty	Rate	UOM	Grant Request	Match	Total
DIRECT EXPENSES							
Program Expenses							
1	Staff						
	Sergeant	80.000	73.780	HRS	4,426.50	1,475.50	5,902.00
	Law Enforcement Officers	640.000	63.020	HRS	30,249.75	10,083.25	40,333.00
	Law Enforcement Officers	640.000	63.020	HRS	30,249.75	10,083.25	40,333.00
	Total for Staff				64,926.00	21,642.00	86,568.00
2	Contracts						
3	Materials / Supplies						
	Other-Fuel Notes : Fuel estimated at 889 gallons at \$3.00 per gallon.	889.000	3.000	MI	2,000.25	666.75	2,667.00
	Safety Equipment Notes : Includes lightbar/siren, tactical vests, and GPS units.	4.000	500.000	EA	1,500.00	500.00	2,000.00
	Total for Materials / Supplies				3,500.25	1,166.75	4,667.00
4	Equipment Use Expenses						
	Vehicle Operations and Maintenance Notes : Maintenance of patrol vehicles including tire replacement, tune-ups, and repairs	1.000	5000.000	EA	3,750.00	1,250.00	5,000.00
5	Equipment Purchases						

Project Cost Estimate for Grants and Cooperative Agreements Program - 2008/2009
 Agency: El Dorado County Sheriff's Department
 Application: Law Enforcement

6/2/2009

	Line Item	Qty	Rate	UOM	Grant Request	Match	Total
6	Others						
7	Administrative Costs						
Total Program Expenses					72,176.25	24,058.75	96,235.00
TOTAL DIRECT EXPENSES					72,176.25	24,058.75	96,235.00
TOTAL EXPENDITURES					72,176.25	24,058.75	96,235.00

Project Cost Summary for Grants and Cooperative Agreements Program - 2008/2009
Agency: El Dorado County Sheriff's Department
Application: Law Enforcement

6/2/2009

	Line Item	Grant Request	Match	Total	Narrative
DIRECT EXPENSES					
Program Expenses					
1	Staff	64,926.00	21,642.00	86,568.00	2 Full time Deputies on Overtime and 1 Sgt. on overtime
2	Contracts	0.00	0.00	0.00	
3	Materials / Supplies	3,500.25	1,166.75	4,667.00	Fuel
4	Equipment Use Expenses	3,750.00	1,250.00	5,000.00	Maintenance of Equipment
5	Equipment Purchases	0.00	0.00	0.00	
6	Others	0.00	0.00	0.00	
7	Administrative Costs	0.00	0.00	0.00	
Total Program Expenses		72,176.25	24,058.75	96,235.00	
TOTAL DIRECT EXPENSES		72,176.25	24,058.75	96,235.00	
TOTAL EXPENDITURES		72,176.25	24,058.75	96,235.00	

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ITEM 1 and ITEM 2

ITEM 1

- a. ITEM 1 - Has a CEQA Notice of Determination (NOD) been filed for the Project? ☐ Yes ☒ No
(Please select Yes or No)

ITEM 2

- b. ITEM 2 - Are the proposed activities a "Project" under CEQA Guidelines Section 15378? ☐ Yes ☒ No
(Please select Yes or No)
- c. The Application is requesting funds solely for personnel and support to enforce OHV laws and ensure public safety. These activities would not cause any physical impacts on the environment and are thus not a "Project" under CEQA. (Please select Yes or No) ☒ Yes ☐ No
- d. Other. Explain why proposed activities would not cause any physical impacts on the environment and are thus not a "Project" under CEQA. DO NOT complete ITEMS 3 – 9

ITEM 3 - Impact of this Project on Wetlands

ITEM 4 - Cumulative Impacts of this Project

ITEM 5 - Soil Impacts

ITEM 6 - Damage to Scenic Resources

ITEM 7 - Hazardous Materials

Is the proposed Project Area located on a site included on any list compiled pursuant to Section 65962.5 of the California Government Code (hazardous materials)? (Please select Yes or No) ☐ Yes ☒ No

If YES, describe the location of the hazard relative to the Project site, the level of hazard and the measures to be taken to minimize or avoid the hazards.

ITEM 8 - Potential for Adverse Impacts to Historical or Cultural Resources

Would the proposed Project have potential for any substantial adverse impacts to historical or cultural resources? (Please select Yes or No) ☐ Yes ☒ No

If YES, describe the potential impacts and for any substantially adverse changes in the significance of historical or cultural resources and measures to be taken to minimize or avoid the impacts.

ITEM 9 - Indirect Significant Impacts

CEQA/NEPA Attachment